

REMARKS

This amendment, filed in reply to the Office Action dated September 04, 2007, is believed to be fully responsive to each point of the rejection raised therein. Accordingly, favorable reconsideration and allowance of the subject application are respectfully requested.

Claims 1-72 are all the claims pending in the application.

Rejection under 35 U.S.C. § 112

Claim s 1-72 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not describe in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s) , at the time the application was filed, had possession of the claimed invention.

Specifically, the Examiner indicates:

As per claims 1, 2, 3, 25, 26, 27, 28, 29, 30, 49, 50, 52, 52, 53, and 54 were amended to include limitations of “first external device”, “second external device”, “first device identification information” and “second device identification information”.

As per claims 4, 6, 28, 30, and 52, The Examiner indicates that added limitation “a second combination of the device identification information” is not disclosed.

As per claim 5, “at least one of the device identification ...” is not support by the specification.

As per claims 49-72, “A program recorded on a computer readable medium...” is not supported by the specification. .

Applicant respectfully disagrees with the Examiner assertion.

The examiner has the initial burden, after a thorough reading and evaluation of the content of the application, **of presenting evidence or reasons why a person skilled in the art would not recognize that the written description of the invention provides support for the claims.** There is a strong presumption that an adequate written description of the claimed invention is present in the specification as filed, *Wertheim*, 541 F.2d at 262, 191 USPQ at 96.

First, Applicant respectfully submits that this burden was not met by the Examiner because no explanation was set forth by the Examiner as to why a person skilled in the art would not recognize that the written description provide proper support for the cited claims as amended.

Second, Applicant respectfully submits that each of these limitations are fully disclosed in the specification, original claims, and/or drawing.

As per claims 1, 2, 3, 25, 26, 27, 28, 29, 30, 49, 50, 52, 52, 53, and 54, they were amended to include limitations of “first external device”, “second external device”, “first device identification information” and “second device identification information.” See figures 10, which depicts box S501a (obtaining devices identification from external device) and box S501b. These identifications are from different devices as made clear in box S503 (**does device identification of either device** match [the]cryptographic key?) The claim labels these devices as first and second external devices and first device identification information. Applicant respectfully submits that one skilled in the art would have recognized that the written disclosure

as adequate to support these claims language. Applicant respectfully requests that this rejection is withdrawn.

As per claims 4, 6, 28, 30, and 52, the Examiner indicates that added limitation “a second combination of the device identification information” is not disclosed. This limitation is clearly supported in page 35, lines 17-20. This cited portion of the specification discloses a combination of two pieces of device identification information and a combination of three pieces of device identification information. Therefore, Applicant respectfully submits that this cited portion adequately supports the claimed language of “a second combination of the device identification information. Applicant respectfully requests the withdrawal of this rejection.

As per claim 5, “at least one of the device identification ...”, because the disclosure disclose more than one device identification, the claimed language of “at least one of the device identification” is supported.

As per claims 49-72, “A program recorded on a computer readable medium...”, this limitation is support by the fact that the disclosure as a whole teaches that the program is stored. See for example, page 9, lines 11-22. Further, figure 1 depicts the unauthorized use prevention program residing in the electric equipment. Therefore, one skilled in the art would have recognized that the inventor had possession of the claimed invention at the time of filing. Applicant respectfully requests the withdrawal of this rejection.

Applicant also points out to the Examiner that:

What is conventional or well known to one of ordinary skill in the art need not be disclosed in detail. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d at 1384, 231 USPQ at 94. >See also *Capon v. Eshhar*, 418 F.3d 1349, 1357, 76 USPQ2d 1078, 1085 (Fed. Cir. 2005)(“The ‘written description’ requirement must be applied in the context of the particular invention and the state of the knowledge.... As each field evolves, the balance also evolves between what is known and what is added by each inventive contribution.”). **If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met.** See, e.g., *Vas-Cath*, 935 F.2d at 1563, 19 USPQ2d at 1116; *Martin v. Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972) (stating “the description need not be in *ipsis verbis* [i.e., “in the same words”] to be sufficient”).
See MPEP 2163 (II) (A) (3) (a).

Here, Applicant respectfully submits that one skill in the art would have recognized that the written description provide ample support for the claims. For at least these reasons, Applicant respectfully requests the withdrawal of this rejection.

Rejection under 35 U.S.C. § 112

Claims 1-72 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states that claims 1-72 are rejected because the instant claims are generally narrative and indefinite, failing to conform with current U.S. practice.

After careful review of the claim, Applicant respectfully submits that the claims are in conformity with U.S. practice. The Applicant also directs the attention of the Examiner to the

threshold standard set for clarity and precision by the Court explained in the MPEP section 2173.02:

The examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available. When the examiner is satisfied that patentable subject matter is disclosed, and it is apparent to the examiner that the claims are directed to such patentable subject matter, he or she should allow claims which define the patentable subject matter with a reasonable degree of particularity and distinctness. Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire. Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement.

The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent. See, e.g., *Solomon v. Kimberly-Clark Corp.*, 216 F.3d 1372, 1379, 55 USPQ2d 1279, 1283 (Fed. Cir. 2000). See also *In re Larsen*, No. 01-1092 (Fed. Cir. May 9, 2001) (unpublished) (The preamble of the *Larsen* claim recited only a hanger and a loop but the body of the claim positively recited a linear member. The court observed that the totality of all the limitations of the claim and their interaction with each other must be considered to ascertain the inventor's contribution to the art. Upon review of the claim in its entirety, the court concluded that the claim at issue apprises one of ordinary skill in the art of its

scope and, therefore, serves the notice function required by 35 U.S.C. 112 paragraph 2.). >See also *Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings*, 370 F.3d 1354, 1366, 71 USPQ2d 1081, 1089 (Fed. Cir. 2004) (“The requirement to ‘distinctly’ claim means that the claim must have a meaning discernible to one of ordinary skill in the art when construed according to correct principles....Only when a claim remains insolubly ambiguous without a discernible meaning after all reasonable attempts at construction must a court declare it indefinite.”).

The Examiner provided one example of an instance where the Examiner alleges that the claims are ambiguous. After careful review of the claim, Applicant respectfully submits that the limitation of “device identification information of a prescribed external device” is not ambiguous as purported by the Examiner. One skilled in the art would have recognized that this language refers to a device identification information used as a reference device. Applicant respectfully submits this rejection is overcome and kindly requests for the withdrawal of the rejection.

Applicant kindly request that if the Examiner intends to maintain this rejection on all the claim as narrative, Applicant respectfully requests that the Examiner points out each problem with the claims in the next Office action.

Rejection under 35 U.S.C. § 101

Claims 1-24 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicant respectfully traverses this rejection

The Examiner asserts that an “electric apparatus” is being recited; however, it appears that the apparatus would reasonably be interpreted by one skilled in the art as software, per se. All claims limitations such as function limiting module, and interface, a determining modules and etc. are software. Although the claims recites “a memory for storing...cryptographic key”, memory

can be reasonably interpreted as database, data structure or any software components capable of holding data.”

The claimed invention (as described in claims 1-24) relates to an electric apparatus comprising an interface for connecting an external device to the electric apparatus...a memory for storing cryptographic key, which is a physical thing that cannot be software.

Contrary to the definition offered by the examiner for a memory above, one skilled in the art would understand that a memory as defined by the Encyclopedia Wikipidia: In contemporary usage, *memory* usually refers to a form of semiconductor storage known as random access memory (RAM) and sometimes other forms of fast but temporary storage. Similarly, *storage* today more commonly refers to mass storage - optical discs, forms of magnetic storage like hard disks, and other types slower than RAM, but of a more permanent nature. Also, Applicant respectfully submits that software components do not retain data as purported by the Examiner. Software has to make use of at least a register to hold data and the register is a physical thing.

Applicant submits that claims 1-24 relate to a machine, one of the four category of invention made statutory under 35 U.S.C. § 101. Therefore, Applicant respectfully requests the withdrawal of this rejection.

Rejection under 35 U.S.C. § 103

Claims 1-3, 5, 7-9, 11, 13-15, 17, 19-21, 23, 25-27, 29, 31-33, 35, 37-39, 41, 43-45, 47, 49-51, 53, 55-57, 59, 61-63, 65, 67-69 and 71 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant’s admitted prior art (JP Pub. No. 10-49493; hereinafter “AAPA”) in

view of Harada et al. (U.S. Patent No. 7,093,300; hereinafter “Harada”). Applicant respectfully traverses this rejection.

The AAPA teaches computer and peripheral devices are provided with nonvolatile memories for registering identification numbers. When one peripheral device is connected to the computer, the computer obtains a registration number from the connected peripheral, and determines whether the registration matches that of the computer. The computer allows a user the use of the peripheral device when the two numbers match.

However, AAPA does not disclose all the limitations of the claim. The Examiner correctly concedes that AAPA does not teach:

- a function limiting step for setting a function limit to the electric apparatus so that at least part of functions of the electric apparatus become unavailable;

- a step for associating the function limit with the device identification information of a prescribed external device to obtain a cryptographic key;

- a step for storing the cryptographic key in a memory;

- a limit canceling step for canceling the function limit set by the function limiting module if the determining module determines that the obtained second device identification information matches the cryptographic key.

See Office action page 7.

However, the Examiner indicates that Harada disclose these limitations. Applicant respectfully disagrees with the Examiner’s position. Harada teaches a system similar to the one disclosed in the prior art. Harada teaches an audio device, e.g. car radio system, see fig. 2. If the radio system is stolen or the battery power is shut-off, the radio enters an inoperable state until

reconnected and an ID code entered by a user matches the ID code stored in the device. See the Abstract and col. 2, lines 22-43. This is not equivalent to the method disclosed in claim 25.

Neither AAPA or Harada discloses a second device. Therefore, the information of one device could not be compared with the information of another device. Consequently, Applicant submits that neither the AAPA or Harada teaches or suggests the claimed limitations of :

a function limiting step for setting a function limit to the electric apparatus so that at least part of functions of the electric apparatus become unavailable;

a first device identification information obtaining step for obtaining device identification information from an external device connected via the interface to the electric apparatus to identify the external device;

a step for associating the function limit with the device identification information obtained at the first device identification information obtaining step to obtain a cryptographic key;

a step for storing the cryptographic key in a memory;

a second device identification information obtaining step for obtaining a second device identification information from a second external device connected via the interface to the electric apparatus to identify the second external device;

a determining step for determining whether the second device identification information obtained at the second device identification information obtaining step matches cryptographic key stored in the memory;
and

a limit canceling step for canceling the function limit set at the function limiting step if it is determined at the determining step that the second device identification information obtained at the second device identification information obtaining step matches the cryptographic key.

For at least this reason, Applicant respectfully requests the withdrawal of the rejection and earnestly solicits the allowance of these claims.

Claims 4, 6, 12, 16, 18, 22, 24, 28, 30, 34, 36, 40, 42, 46, 48, 52, 54, 58, 60, 64, 66, 70 and 72 are rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Harada, and further in view of Bajikar (U.S. Pub. No. 2002/0194500; hereinafter Bajikar). Applicant respectfully traverses this rejection.

Applicant respectfully submits that JP '493, Harada and Bajikar, alone or in combination, fail to teach or suggest:

- function limiting module for setting a function limit to the electric equipment so that at least part of functions of the electric equipment become unavailable;

- a plurality of interfaces for connecting external devices to the electric equipment;

- a module for obtaining device identification information from an external device connected via one of the plurality of interfaces to the electric equipment to identify the external device;

- a module for generating connection route information indicating which interface of the plurality of interfaces is used to connect the external device that has provided the device identification information;

- a module for associating the function limit with a combination of the device identification information and connection route information to obtain a cryptographic key;

First, Applicant submits that Bajikar fails to compensate for the deficiencies of JP '493 and Harada, and so independent claim 4 is *at least* patentable for reasons similar to those stated above. Further, Applicant respectfully submits that Bajikar fails to teach or suggest “a module

for generating connection route information indicating which interface of the plurality of interfaces is used to connect the external device that has provided the device identification information”, as recited in claim 4.

All the independent claims recite similar limitations and are patentable for the analogous reasons as set forth above. The dependent claims are also patentable by virtue of their dependency on the allowable independent claims. In addition, The Examiner is referred to the detailed remarks set forth in the response dated June 20, 2007.

Moreover, regarding to the response section of the Office Action, Applicant submits that the AAPA teaches reading identification of one external device. On the other hand, Harada teaches canceling the function of the device itself (radio is rendered inoperative). Assuming, *arguendo*, that the AAPA and Harada are combinable, which they are not, the resulting device would not have rendered the claimed invention obvious. The combination would be a system where identification codes are compared from the identification read from the device compared to identification stored in the computer. If there is no match, the external device would be inoperative. The combination would still fail to teach the claimed invention in that it would fail to teach the claimed limitations for example:

**a first device identification information obtaining step for
obtaining device identification information from an external device
connected via the interface to the electric apparatus to identify the external
device;**

a step for associating the function limit with the device identification information obtained at the first device identification information obtaining step to obtain a cryptographic key;

a step for storing the cryptographic key in a memory;

a second device identification information obtaining step for obtaining a second device identification information from a second external device connected via the interface to the electric apparatus to identify the second external device;

a determining step for determining whether the second device identification information obtained at the second device identification information obtaining step matches cryptographic key stored in the memory;
and

More specifically, the combination fails to teach the use of a second device identification.

Bajikar does not remedy the deficient teachings of the AAPA and Harada. Bajikar also does not teach :

associating the function limits with a combination of the device identification and connection route information...a determining module for determining whether a **second combination of device identification information** obtained from each external device of one or more external devices connected via one of the interfaces to the electric apparatus **and connection route information for each external device of the one or more external devices** matches the cryptographic key stored in the memory; and

a limit canceling module for canceling the function limit set by the function limiting module if the determining module determines that the second combination of the obtained device information and connection route information matches the cryptographic key stored in memory.

Therefore, Applicant respectfully submits that claims 1-72 are patentable over the cited prior arts and earnestly solicits the allowance of all the claims.

Conclusion

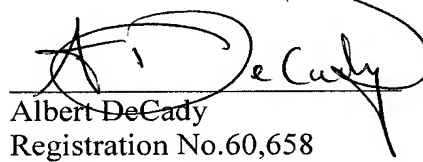
AMENDMENT UNDER 37 C.F.R. § 1.116
Appl. No.: 10/635,677

Q76889

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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